

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9752 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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HANIFBHAI MOHAMMADBHAI CHAUHAN

Versus

STATE OF GUJARAT

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Appearance:

MR BS PATEL for Petitioner

Mr. U.A.Trivedi, A.P.P. for Respondents.

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 26/12/96

ORAL JUDGEMENT

By way of this Special Civil Application, the petitioner has challenged the order of detention dated 27.4.1996 passed by the District Magistrate, Vadodara in exercise of powers under section 3 of The Gujarat Prevention of Anti-Social Activities Act, 1985 (hereinafter referred to as PASA Act of 1985). The

learned counsel for the petitioner has relied on the decision of this Court in the case of Jakirbhai Rahimbhai Nagori vs. District Magistrate, Mahesana and others reported in 1996(1) GLR, 80 and contends that the statements of the witnesses recorded by the police have not been verified by the detaining authority with respect to the correctness of the apprehension. Simply stating a word "verified" would not be sufficient. The controversy raised is squarely covered by the decision cited at the Bar. In view of the aforesaid, the Special Civil Application is allowed. The impugned order of detention dated 27.4.96 is quashed and set aside. The petitioner detenu shall be released forthwith, if not required in any other case. Rule made absolute.